

4

## Remarks

The Examiner has objected to the abstract as being excessively long, which has been corrected in the instant amendment.


The Examiner has objected to claim 4 and rejected claims 1 and 2 under 35 USC 112 first paragraph. The Examiner has also rejected claims 1 through 4 under 35 USC 103.

In responding to these rejections, the Applicant would like to point the Examiner's attention to the image file for the instant application. A preliminary amendment was filed with the application on June 14<sup>th</sup>, 2006. A copy of the relevant portion of the USPTO image file is enclosed with this response for the Examiner's convenience. That preliminary amendment directed cancellation of claims 1 through 4 and entry of new claims 5 through 8. The Examiner is therefore requested to effect an Examiner's amendment in which this preliminary amendment is properly entered and to examine claims 5 through 8 as submitted with the preliminary amendment.

No new matter has been added in this amendment.

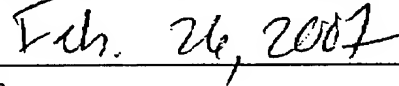
5

Respectfully submitted,



Dr. Paul Vincent

Registration number 37,461



Date

Lichti + Partner GbR

Patentanwälte

Postfach 41 07 60

D-76207 Karlsruhe

Germany

Telephone: +49-721-94 32 815

Fax: +49-721-94 32 840

Enclosures: Preliminary amendment as filed on June 14<sup>th</sup>, 2006

**RECEIVED**  
**CENTRAL FAX CENTER**

**FEB 27 2007**

**AP20 Rec'd PCT/PTO 14 JUN 2006**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	BEHRINGER, Thomas	) Examiner:
PCT Application No.:	PCT/EP2005/000510	) unknown
PCT Filing Date:	January 20, 2005	) Art Unit:
For:	TUBE HANDLING DEVICE	) unknown
	(AS AMENDED)	)

Docket No.: 21914.7

MAIL STOP PCT

Commissioner for Patents

Alexandria, VA 22313-1450

U.S.A.

**PRELIMINARY AMENDMENT**

Please enter this amendment prior to calculation of the filing fees. This amendment is based on the translation of the PCT application as **filed on January 20, 2005.**

2

**SPECIFICATION AMENDMENTS:**

Please charge the title to --

**TUBE HANDLING DEVICE --.**

On page 1, insert the following prior to the first paragraph --

This application is the national stage of PCT/EP2005/000510 filed on January 20, 2005 and also claims Paris Convention priority of DE 10 2004 003 188.6 filed January 22, 2004.

**BACKGROUND OF THE INVENTION --.**

Please amend the first paragraph on page one as follows--

The invention concerns a tube handling device for inserting tubes into a tube filling machine, for relocating tubes within a tube filling machine and/or for removing tubes from the tube filling machine, in accordance with the pre-characterizing part of ~~claim 1~~ the independent claim. --.

On page 4, insert as a title prior to the last paragraph --

**SUMMARY OF THE INVENTION --.**

Please amend the last paragraph on page 4 extending to page 5 as follows --

3

This object is achieved in accordance with the invention with a tube handling device having the characterizing features of ~~claim 1~~ the independent claim. The transfer device is thereby formed by scissor action arms which can be pulled apart and pushed together using the drive device, the drive device being formed by two pneumatic cylinders which are oriented parallel to each other in the longitudinal direction of the gripper row and which act in opposite directions. --.

On page 7, insert as a title prior to the brief description of the drawing --

BRIEF DESCRIPTION OF THE DRAWING --.

On page 7, insert as a title following the brief description of the drawing --

DESCRIPTION OF THE PREFERRED EMBODIMENT --.

On page 10, line 1, replace as a title "Claims" with --

I CLAIM: --.

**CLAIM AMENDMENTS:**

1 to 4 cancelled.

5. (new) A tube handling device for inserting tubes into a tube filling machine, for relocating tubes within the tube filling machine, and/or for removing tubes from the tube filling machine, the device comprising:

at least one movable carrier;  
an adjusting device disposed on said movable carrier, said adjusting device having at least one drive device comprising two pneumatic cylinders, disposed parallel to each other, said pneumatic cylinders structured to act in opposite directions;  
a transfer device having scissor action arms cooperating with said pneumatic cylinders; and  
a plurality of tube grippers for grasping the tubes, said grippers disposed on said scissor arms in at least one gripper row, wherein, in response to pushing and pulling of said scissor action arms by motion of said pneumatic cylinders in a longitudinal direction of said gripper row, a drive motion of said drive device is translated by said transfer device into a relative motion of said tube grippers along said gripper row to adjust said tube grippers between a first relative position at which said grippers assume a first defined mutual separation and at least one second relative position in which said grippers assume a second defined mutual separation.

6. (new) The tube handling device of claim 4, wherein said scissor action arms substantially extend in a longitudinal direction of said

carrier and said tube grippers are each disposed in a lower hinge point of said scissor action arms.

7. (new) The tube handling device of claim 4, wherein said pneumatic cylinders engage said scissor action arms at approximately 1/4 of a length thereof.
8. (new) The tube handling device of claim 4, wherein a motion of said pneumatic cylinders is synchronized.

6

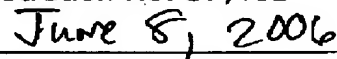
**Remarks**

The amendments have been taken to adapt this application to United States practice. No new matter has been added.



Dr. Paul Vincent  
Agent for the Applicant

Registration No. 37,461



Date

Lichti + Partner GbR  
Patentanwälte  
Postfach 41 07 60  
D-76207 Karlsruhe, Germany  
Telephone: +49-721-9432815  
Fax: +49-721-9432840